

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN CHANEY,

Plaintiff,

v.

NYE COUNTY CORRECTIONAL FACILITY,

Defendant.

2:16-cv-00811-GMN-GWF

ORDER

I. DISCUSSION

Plaintiff, a former inmate at the Nye County Correctional Facility, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915 and Local Rule LSR 1-1, “[a]ny person, who is unable to prepay the fees in a civil case, may apply to the Court for authority to proceed *in forma pauperis*. The application shall be made on the form provided by the Court and shall include a financial affidavit disclosing the applicant’s income, assets, expenses and liabilities.” The Court will retain Plaintiff’s civil rights complaint (ECF No. 1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis* for non-prisoners, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis* for non-prisoners.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a **non-prisoner**, as

1 well as the document entitled information and instructions for filing an *in forma pauperis*
2 application.

3 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
4 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for non-
5 prisoners; or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee
6 and the \$50 administrative fee).

7 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
8 dismissal of this action may result.

9 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
10 No. 1), but shall not file it at this time.

11
12 DATED: This 13th day of April, 2016.

13
14 
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24
25
26
27
28